

# TABLE 1<sup>1</sup>

## CPSGMHB – PFRs, Cases, Hearings and Decisions

	92 <sup>2</sup>	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07 <sup>3</sup>	Totals
<b>PFRs</b>	9	10	30	81	39	31	36	23	19	27	22	26	31	49	59	16	488
<b>New Cases<sup>4</sup></b>	6	5	19	28	31	17	17	18	19	24	17	25	26	39	31	11	333
<b>Appeal to Court<sup>5</sup></b>	1	4	1	14	6	2	4	4	4	6	2	8 <sup>6</sup>	7 <sup>7</sup>	8 <sup>8</sup>	3 <sup>9</sup>	0	74
<b>Remands from Court<sup>10</sup></b>	0	0	0	4	2	0	0	1 <sup>11</sup>	3	3	0	3	1	1	0	0	18 <sup>12</sup>
<b>Total Cases<sup>13</sup></b>	6	5	19	32	33	17	17	19	22	27	17	28	27	40	31	11	351
<b>Hearings Held<sup>14</sup></b>	9	13	42	77	51	30	34	34	41	53	29	60	52	66	40	6	637
<b>Orders Issued<sup>15</sup></b>	14	11	38	75	42	25	40	36	41	53	34	66	57	60	36	0	628
<b>Open Board Cases<sup>16</sup></b>	0	0	0	0	0	0	0	0	0	0	0	0	1	3	17	11	32

If the Board could anticipate an “average year” it would receive 33 PFRs, consolidated into 28 cases; 6 cases would be appealed to the Courts and 1.5 cases would be remanded. The Board would hold 53 hearings and issue 52 decisions.

<sup>1</sup> This Table is derived from the Board’s Digest of Decisions 1992-2007, 6<sup>th</sup> Edition, *Synopsis of Cases*.

<sup>2</sup> Beginning in May of 1992.

<sup>3</sup> As of February 12, 2007. The Board has received an additional 6 PFRs [4 consolidated cases] as of February 21, 2007.

<sup>4</sup> After Consolidation of PFRs

<sup>5</sup> Final Decisions appealed to Superior Court or beyond. FDOs are typically appealed; however occasionally Compliance or Non Compliance Orders are appealed. This number only indicates if the decision was appealed. Often one decision precipitates more than one appeal, depending on the number of parties.

<sup>6</sup> Three pending.

<sup>7</sup> Two pending.

<sup>8</sup> Five pending.

<sup>9</sup> Three pending.

<sup>10</sup> Reflected here are the remands from the Courts to the Board. Cases not remanded were either dismissed or upheld and do not affect the appealed decision of the Board.

<sup>11</sup> The Ramey Remand is listed in the Synopsis of Decisions for 2000, but relates to the 1999 Montlake Community Club case.

<sup>12</sup> Several Board cases have involved several remands from the Courts [*i.e.* *Vashon-Maury (Bear Creek or Quadrant)*], or from different Courts on different issues. In total, the Board has rendered 23 Remand decisions as of February 12, 2007.

<sup>13</sup> Total number of Board cases, including remands from the Courts. Note that the remand decision seldom occurs in the same year as the Board decision. However, it is reported in the year the original Board decision was rendered.

<sup>14</sup> Includes only: Prehearing Conferences, Hearings on the Merits, Reconsideration Hearings, Compliance Hearings and Hearings on remands from the Courts

<sup>15</sup> Includes only: Orders on Dispositive Motions, Final Decisions and Orders, Orders on Reconsideration, Compliance Orders and Orders on Remand from the Court. Not included: Notice of Hearing, Prehearing Orders, Orders on Supplementing the Record, Settlement Extension Orders, Rescheduling Orders, or miscellaneous Orders of the Board.

<sup>16</sup> Compliance pending, FDO pending or awaiting Hearing on the Merits, as of February 12, 2007.

# TABLE 2<sup>1</sup>

## CPSGMHB – Disposition of Cases

	92 <sup>2</sup>	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07 <sup>3</sup>	Totals
Cases	6	5	19	28	31	17	17	18	19	24	17	25	26	39	31	11	333
Cases Decided	6	5	19	28	31	17	17	18	19	24	17	25	25	38	21	0	311
Dismiss <sup>4</sup>	2	2	8	11	22	12	8	10	10	11	11	12	12	21	13	—	165
Upheld	0	1	2	1	6	1	5	6	3	3	2	1	5	5	2	—	43
Remand	4	2	9	16	3	4	4	1	6	10	4	12	9	12	7	—	103
Invalidity	—	—	—	2	—	2	1	—	4	4	1	9	3	3	1	—	30
Sanction [w] <sup>5</sup>	—	—	1w	3w	—	1w	—	—	—	—	—	1w	—	—	—	—	6w
Pending “Open”	0	0	0	0	0	0	0	0	0	0	0	0	1	3	17	11	30
Pending Comply	0	0	0	0	0	0	0	0	0	0	0	0	1	2	7	—	10

Of all the cases decided by the Board over the last 15 years, over half (53%) are dismissed. The local government has been upheld in 14% of the cases. In other words, the local jurisdiction prevails in two-thirds (67%) of the cases brought before the Board. One-third (33%) of the cases brought before the Board, are remanded for noncompliance. In the remand cases, invalidity is employed about 30% of the time, but sanctions have only been recommended in 6% of the remand cases.

<sup>1</sup> This Table is derived from the Board’s Digest of Decisions 1992-2007, 6<sup>th</sup> Edition, *Synopsis of Cases*.

<sup>2</sup> As of May 1992

<sup>3</sup> As of February 12, 2007.

<sup>4</sup> Includes: Withdrawn PFRs, Stipulated Dismissals pursuant to Settlement and Dismissals by Board Order.

<sup>5</sup> W = Withdrawn. In each instance where the Board recommended sanctions, the jurisdiction took action to cause the Board to withdraw the recommendation of sanctions (*i.e.* the jurisdiction complied).